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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ARSENIO HUQUERIZA,)
)
Defendant.)

No. CR 08-0119 PJH

**[PROPOSED] ORDER AND
STIPULATION TO EXTEND
GOVERNMENT'S DEADLINE FOR
RESPONDING TO DEFENDANT'S
MOTION TO SUPPRESS**

The government and Defendant Arsenio Huqueriza hereby stipulate as follows:

1. The parties appeared before this Court on April 30, 2008. At that time, this Court ordered the defendant to file his motion to suppress by May 14, 2008. The Court also set a hearing date for that motion of June 18, 2008. Under the Local Rules governing responses to motions, the government's response would be due 21 days ahead of that hearing date, or on May 28, 2008.

2. On May 14, 2008, the defendant filed his Motion to Suppress, in which he challenges the search of his residence. Counsel for the government has subsequently learned from the Bureau of Immigration & Customs Enforcement ("ICE") that several of the agents who

1 participated in the search of Mr. Huqueriza's residence are currently unavailable to provide
2 further factual information about that search. ICE agent Brodie Allyn has requested that the
3 government seek an extension of its deadline for filing the response so that Mr. Allyn can
4 contact the pertinent agents and provide information to undersigned counsel, Assistant United
5 States Attorney Erika Frick. AUSA Frick informed defense counsel, Mr. David Butler, of those
6 circumstances, and Mr. Butler indicated that he has no objection to an extension of one week of
7 the government's filing deadline.

8 3. The parties therefore jointly request that the government's response date be extended
9 to June 4, 2008. If convenient for the Court, the parties request to keep the hearing date on June
10 18, 2008. In the alternative, the parties would also be available for the hearing on July 2, 2008.

11
12 IT IS SO STIPULATED.

13 DATED: May 23, 2008

14 /s/
ERIKA R. FRICK
Assistant United States Attorney

15
16 DATED: May 23, 2008

17 /s/
DAVID BUTLER
Attorney for Arsenio Huqueriza

ORDER

For good cause shown, the Court hereby extends the government's deadline for responding to the defendant's Motion to Suppress, from May 28, 2008 to June 4, 2008.

IT IS SO ORDERED.

DATED: _____

THE HON. PHYLLIS J. HAMILTON
United States District Judge